

REMARKS

Claim 7 has been canceled. Claims 1-6 and 8-12 remain in the application. Claims 1-3, 5, 6, 11, and 12 have been amended to simplify issues for placing the application in *prima facie* condition for allowance.

Claims 1 and 5 were rejected as being drawn to non-statutory subject matter under 35 U.S.C. 101.

In response, claim 1 has been amended and clearly requires more than manipulation of an abstract idea. Specifically, under claim 1, a web page that can be viewed by customers is maintained, various claims that are made by providers of goods and services that can be verified by objective measurers are independently verified, and the Web page highlights these claims as having been verified by a displaying a certification. The method recited in claim 1 effectively provides a certification service that touches the technological arts by being offered electronically. Moreover, it provides the customer with the knowledge of independent verification of a claim made by a provider of a good or service. Thus, the customer will be able to rely on the verification step having been performed and will not need to purchase goods or services solely trusting in the claims made by a provider of goods or services.

In view of the amendments and remarks above, claim 1, and its dependent claim 5, clearly satisfy the requirements of 35 U.S.C. 101.

Claims 1-12 were again rejected as being obvious over "BBB" (PTO-892, Items: U), in view of PR Newswire (PTO-892, Item: V), hereinafter referred to as "PRN." This rejection is traversed in view of the amendments above and comments below.

The claims have been revised to highlight that the individual claims made by a provider of goods or services which can be verified by objective measures (e.g., "guaranteed next delivery of flowers in the Washington D.C. area" (objectively verifiable) versus "the best flower shop in D.C." (subjective)) are independently verified, and can be reviewed on a Web page by a customer with the claims that are verified being highlighted as "certified". In this way, the customer can rely on the claims as being true when he or she is making a purchasing decision.

As noted previously, BBB OnLine participants agree to adhere to a code of business ethics and maintain a reputation consistent with BBB standards. However, in the BBB OnLine reference, there is no independent verification of

individual claims made by a company about a product or service offering. Thus, all BBB OnLine offers is an assurance that the provider resolves complaints promptly and meets the other program standards. The standards are directed toward business practices rather than guarantees of the veracity of claims in regard to products and services offered by the company. Specifically, according to BBB, page 12, “it is important for you to remember that a business’s participation in BBBOnLine *does not guarantee* you will be satisfied with a product or service. While BBBOnLine participants have satisfactory complaint handling records with Better Business Bureaus, this does not mean that they have never experienced complaints, nor is it a guarantee that they won’t in the future.”

The present invention, in sharp contrast, guarantees the claims about a product or service that are made by the provider.

Furthermore, BBB does not meet the consumer needs as they are searching online for reputable goods or services. Specifically, BBB provides a link to a BBB OnLine business participant’s website only by going through the BBB OnLine search engine. Adjacent to this link, a brief report about the company (“View BBB Report”) is also made available. The products and services provided by that company are listed in a cursory fashion. For example, if “flower delivery” is input into the search engine, two matches are found nationwide. A sufficient product description for a “flower delivery” business according to BBB standards is: “This company services retail florist and gift shop full service.” There is no certification of specific services available that would be relevant to the “flower delivery” market (i.e., service area, delivery rates, price, product origins, product selection, etc. as noted in the specification, paragraph beginning on page 4, line 21).

The certification service provided by the present invention could certify any or all (verifiable) claims by a company in the flower delivery business in regard to the aforementioned topics. For example, a flower delivery business may offer services such as 24-hour delivery, or flowers (a.k.a. products) that will remain in bloom for at least one week after delivery and certify either or both of these offerings through the certified.com website. When a consumer is looking for a reputable site to deliver flowers, these distinguishable, certified features are disclosed on the Web page, allowing the consumer to choose the company that best suits their needs.

BBB further indicates that, as a matter of policy, “Better Business Bureaus do not endorse any company, product or service and participation in a Better

Business Bureau program is not a guarantee by the Better Business Bureau of the company's performance." BBB does not post info on web page about any company's products or services unless sought out by the consumer through a search engine. In contrast, the present invention, as claimed in claims 3 and 9, and as shown in Figure 1 provides featured advertisements 14 of product claims or services on the main page 11 of the website and certifies individual claims as being true. This function is performed as an additional benefit to the provider, and may help introduce the scope of certified products or services to the consumer and is in no way taught or suggested by BBB.

As previously stated, the BBB OnLine reference does not teach entering into a contract between a certification service and a provider of a product or service for which the provider makes certain claims, verifying these certain claims made by the provider to be certified for the product or service under the terms of the contract, all as explicitly recited in claim 1. Further, BBB does not teach the posting of information on their web page about the product or service in which the certain claims verified as true are prominently displayed.

Furthermore, PRN does not compensate for the deficiencies of the BBB. PRN discusses an Integrated Convergence Switch having successfully completed the stringent testing required for NEBS Level 3 certification. This is an established standard, not a claim made about product or service. Claim 1 has been amended to specifically highlight the difference. Thus, PRN does not make up for any of the deficiencies of BBB.

Moreover, any combination of BBB and PRN would not make the claimed invention obvious because, there is no independent verification of a claim taught or suggested in either reference, and there is no posting of information on a Web page searchable by customers that highlights that a claim made by a provider has been independently verified.

In view of the foregoing, the references, either individually or in combination, do not make a *prima facie* demonstration of obviousness of claims 1-6 and 8-12 of the present invention under 35 U.S.C. 103(a). Accordingly, withdrawal of the rejection to claims 1-12 is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also

respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', written in a cursive style.

Michael E. Whitham

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